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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

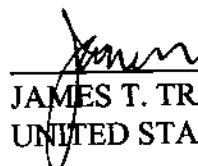
TENNESSEE GAS PIPELINE : DOCKET NO. 05-1083
COMPANY
VS. : JUDGE TRIMBLE
22.64 ACRES OF LAND, ET AL : MAGISTRATE JUDGE WILSON

JUDGMENT

Before the Court is a "Motion and Incorporated Memorandum of Tennessee Gas Pipeline Company to Dismiss Action as Moot or in the Alternative, to Dismiss or Continue Rule to Show Cause and Hearings" (doc. #44) filed by Plaintiff, Tennessee Gas Pipeline Company wherein Plaintiff moves to dismiss this action as moot because it has acquired the subject servitude through agreements with the defendants. Defendants, American Sulphur and Oil Company of Louisiana, Bennett Oil Corporation and W.G. Ragley Lumber Company oppose the motion to dismiss to the extent that these Defendants assert that there are still unresolved matters. Defendants maintain that they are entitled to attorneys fees for Plaintiff's premature filing of the suit, and/or the improper issuance of the restraining order. The Court has reviewed the motion and the relevant responses and holds that the "Response and Answer of American Sulphur and Oil Company of Louisiana, Bennett Oil Corporation and W.G. Ragley Lumber Company to Complaint" (doc. #17) did not made a demand for these attorneys fees and damages. Accordingly, it is

ORDERED, ADJUDGED AND DECREED that the motion to dismiss is hereby
GRANTED dismissing the action with prejudice at Plaintiff's cost.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 13th day of
March, 2006.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE